

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

TINA BLANKENSHIP and
MARK BLANKENSHIP, husband and wife,
and TINA BLANKENSHIP,
as Guardian and Next Friend of C.B.,
an infant under the age of 18 years,

Plaintiffs,

v.

Civil Action No. 2:14-cv-26529

WAL-MART STORES, INC.,
a Delaware Corporation licensed
to do business in the State of West Virginia,
and GENERAL ELECTRIC COMPANY,
a New York Corporation
licensed to do business in the State of West Virginia,

Defendants.

**MOTION FOR PARTIAL SUMMARY JUDGMENT
OF DEFENDANT WAL-MART STORES, INC.**

Now comes the Defendant, Wal-Mart Stores, Inc. (hereinafter "Wal-Mart"), by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and moves the Court for partial summary judgment on the Plaintiffs' claims of negligent spoliation, intentional spoliation and punitive damages for the reason that there is no genuine issue as to any material fact regarding these claims, and this Defendant, therefore, is entitled to judgment as a matter of law. This motion is supported by the Memorandum of Law in Support, Exhibits A through O attached hereto, and all other papers and pleadings on file in this action.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support, Wal-Mart respectfully requests that this Court enter an order granting partial summary judgment on the Plaintiffs' claims of negligent spoliation, intentional spoliation and punitive damages.

Respectfully submitted,

WAL-MART STORES, INC.,
By Counsel.

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Judge Goodwin

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CERTIFICATE OF SERVICE

I, Heather M. Noel, do hereby certify that on September 8, 2015, a true copy of the foregoing **MOTION FOR PARTIAL SUMMARY JUDGMENT OF DEFENDANT WAL-MART STORES, INC.** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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